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## Attorneys for Plaintiff ## OFFICE OF COUNTY COUNSEL COUNTY OF BUTTE Bruce S. Alpert, SBN 075684 Brad J. Stephens, SBN 212246 25 County Center Drive Oroville, CA 95965 TEL: (530) 538-6891 FAX: (530) 538-6891 ## Attorneys for Defendants    UNITED STATES DISTRICT COURT FAX: (530) 538-6891 ## Attorneys for Defendants    UNITED STATES DISTRICT COURT FAX: (530) 538-6891 ## Attorneys for Defendants    UNITED STATES DISTRICT COURT FAX: (530) 538-6891 ## Attorneys for Defendants    OFFICE OF COUNTY COUNSEL COUNTY OF BUTCE Bruce S. Alpert, SBN 075684 Brad J. Stephens, SBN 212246 25 County Center Drive Oroville, CA 95965	7	· · · · · · · · · · · · · · · · · · ·	FAX: 916.927.3706
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12   FAX: (530) 538-6891  Attorneys for Defendants  14   UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION  16   DARWIN CRABTREE   Case No: 2:20-cv-00675-KJM-KJN    18   DARWIN CRABTREE   STIPULATED ORDER RE: DISCOVERY    19   OF ELECTRONICALLY STORED    10   NS.   UNITED STATES DISTRICT COURT    11   Case No: 2:20-cv-00675-KJM-KJN    12   OF ELECTRONICALLY STORED    13   INFORMATION FOR STANDARD    14   UNITED STATES DISTRICT COURT    15   Case No: 2:20-cv-00675-KJM-KJN    16   OF ELECTRONICALLY STORED    17   INFORMATION FOR STANDARD    18   UNITED STATES DISTRICT COURT    19   Case No: 2:20-cv-00675-KJM-KJN    10   OF ELECTRONICALLY STORED    11   INFORMATION FOR STANDARD    12   SZENDREY, JANE DOE, AND JOHN DOES    13   1-20.    14   DARWIN CRABTREE   DISCOVERY    15   OF ELECTRONICALLY STORED    16   OF ELECTRONICALLY STORED    17   OF ELECTRONICALLY STORED    18   OF ELECTRONICALLY STORED    19   OF ELECTRONICALLY STORED    10   OF ELECTRONICALLY STORED    11   OF ELECTRONICALLY STORED    12   OF ELECTRONICALLY STORED    13   OF ELECTRONICALLY STORED    14   OF ELECTRONICALLY STORED    15   OF ELECTRONICALLY STORED    16   OF ELECTRONICALLY STORED    17   OF ELECTRONICALLY STORED    18   OF ELECTRONICALLY STORED    19   OF ELECTRONICALLY STORED    10   OF ELECTRONICALLY STORED    10   OF ELECTRONICALLY STORED    11   OF ELECTRONICALLY STORED    12   OF ELECTRONICALLY STORED    13   OF ELECTRONICALLY STORED    14   OF ELECTRONICALLY STORED    15   OF ELECTRONICALLY STORED    16   OF ELECTRONICALLY STORED    17   OF ELECTRONICALLY STORED    18   OF ELECTRONICALLY STORED    18   OF ELECTRONICALLY STORED    19   OF ELECTRONICALLY STORED    10   OF ELECTRONICALLY STORED    10   OF ELECTRONICALLY STORED    11   OF ELECTRONICALLY STORED    12   OF ELECTRONICALLY STORED    13   OF ELECTRONICALLY STORED    14   OF ELECTRONICALLY STORED    16   OF ELECTRONICALLY STORED    17   OF ELECTRONICALLY STORED    18   OF ELECTRONICALLY STORED    19   OF ELECTRONICALLY STORED    10   OF ELECTRON	11		
Attorneys for Defendants  LUNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION  Case No: 2:20-cv-00675-KJM-KJN  DARWIN CRABTREE  Plaintiff, OF ELECTRONICALLY STORED INFORMATION FOR STANDARD LITIGATION  COUNTY OF BUTTE, KRISTIN MCNELIS, KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES 1-20.  Defendants.	12		
15 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION  17 18 DARWIN CRABTREE  19 Plaintiff, OF ELECTRONICALLY STORED OF ELECTRONICALLY STORED INFORMATION FOR STANDARD LITIGATION  VS.  20 COUNTY OF BUTTE, KRISTIN MCNELIS, KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES 1-20. Defendants.  27 28 29 29 20 20 21 22 23 24 Defendants.	13		
EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION  Case No: 2:20-cv-00675-KJM-KJN  DARWIN CRABTREE  DARWIN CRABTREE  STIPULATED ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION FOR STANDARD LITIGATION  VS.  COUNTY OF BUTTE, KRISTIN MCNELIS, KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES 1-20.  Defendants.  Defendants.	14		
SACRAMENTO DIVISION  Case No: 2:20-cv-00675-KJM-KJN  DARWIN CRABTREE  DARWIN CRABTREE  STIPULATED ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION FOR STANDARD LITIGATION  VS.  COUNTY OF BUTTE, KRISTIN MCNELIS, KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES 1-20.  Defendants.  Defendants.	15		
DARWIN CRABTREE  DARWIN CRABTREE  Plaintiff,  vs.  COUNTY OF BUTTE, KRISTIN MCNELIS, KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES 1-20.  Defendants.  Case No: 2:20-cv-00675-KJM-KJN  STIPULATED ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION FOR STANDARD LITIGATION  LITIGATION  Defendants.			
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18 DARWIN CRABTREE  19 Plaintiff,  20 Vs.  21 COUNTY OF BUTTE, KRISTIN MCNELIS, KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES  23 1-20.  24 Defendants.  26 27	16	SACRAIVIEN	
19 Plaintiff, OF ELECTRONICALLY STORED INFORMATION FOR STANDARD LITIGATION  20 Vs. 21 COUNTY OF BUTTE, KRISTIN MCNELIS, KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES) 1-20.  24 Defendants.  25 Defendants.		SACRAMEN	C N 220 00675 WIM WIN
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22 KATHARYN SCHWARTZ, EDWARD SZENDREY, JANE DOE, AND JOHN DOES 1-20. Defendants.  25 26 27	17 18 19	DARWIN CRABTREE	STIPULATED ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION FOR STANDARD
23   1-20. 24   Defendants. 25   26   27	17 18 19 20	DARWIN CRABTREE  Plaintiff,  vs.	STIPULATED ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION FOR STANDARD
25   Serendants. ) 26   27	17 18 19 20 21	DARWIN CRABTREE  Plaintiff,  vs.  COUNTY OF BUTTE, KRISTIN MCNELIS, ) KATHARYN SCHWARTZ, EDWARD	STIPULATED ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION FOR STANDARD
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#### 1. PURPOSE

This Order will govern discovery of electronically stored information ("ESI") in this case as a supplement to the Federal Rules of Civil Procedure and any other applicable orders and rules.

#### 2. COOPERATION

The parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout the matter.

#### 3. LIAISON

The parties have identified liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Each e-discovery liaison will be, or have access to those who are, knowledgeable about the technical aspects of e-discovery, including the location, nature, accessibility, format, collection, search methodologies, and production of ESI in this matter. The parties will rely on the liaisons, as needed, to confer about ESI and to help resolve disputes without court intervention.

#### 4. PRESERVATION

The parties have discussed their preservation obligations and needs and agree that preservation of potentially relevant ESI will be reasonable and proportionate. To reduce the costs and burdens of preservation and to ensure proper ESI is preserved, the parties agree that:

- a) The parties will agree on the number of custodians per party for whom ESI will be preserved;
- b) These data sources are not reasonably accessible because of undue burden or cost pursuant to Fed. R. Civ. P. 26(b)(2)(B) and ESI from these sources will be preserved but not searched, reviewed, or produced: systems no longer in use that cannot be accessed;
- c) Among the sources of data the parties agree are not reasonably accessible, the parties agree not to preserve the following: systems no longer in use that cannot be accessed and digital voicemail.

#### 5. PRODUCTION FORMATS

The parties agree to produce documents in  $\boxtimes$  PDF,  $\boxtimes$ TIFF,  $\boxtimes$ native and/or  $\square$ paper or a combination thereof (check all that apply)] file formats. If particular documents warrant a

different format, the parties will cooperate to arrange for the mutually acceptable production of such documents. The parties agree not to degrade the searchability of documents as part of the document production process, and to produce documents in their native format where possible.

#### 6. PHASING

When a party propounds discovery requests pursuant to Fed. R. Civ. P. 34, the parties agree to phase the production of ESI and the initial production will be from the following sources and custodians: Darwin Crabtree (Plaintiff), the County of Butte's central electronic records database for the Butte County District Attorney's Office and Butte County Department of Behavioral Health, Edward Szendrey, Katharyn Schwartz, and Kristin Simpson McNelis (Defendants). The parties will cooperate in identifying the dates for which electronic records databases exist and any purging of records which has occurred pursuant to applicable law and/or County practice or policy. Following the initial production, the parties will continue to prioritize the order of subsequent productions.

#### 7. DOCUMENTS PROTECTED FROM DISCOVERY

- a) Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-productprotected document, whether inadvertent or otherwise, is not a waiver of privilege or protection from discovery in this case or in any other federal or state proceeding. For example, the mere production of privileged or work-product-protected documents in this case as part of a mass production is not itself a waiver in this case or in any other federal or state proceeding.
- b) Communications involving trial counsel that post-date the filing of the complaint need not be placed on a privilege log.

#### 8. MODIFICATION

This Stipulated Order may be modified by a Stipulated Order of the parties or by the Court for good cause shown.

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## IT IS SO STIPULATED, through Counsel of Record.

2	Dated: August 24, 2020	Dyy /s/ Drandt Silver Vorn
	Dated. August 24, 2020	By: /s/ Brandt Silver-Korn Rafey S. Balabanian
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9		Attorneys for Plaintiff
10	D . 1 . 4	
11	Dated: August 24, 2020	By: /s/ Stephen E. Horan (as authorized on
		08/24/20)
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**ORDER** IT IS SO ORDERED, with the clarification that, pursuant to Local Rule 141.1(f), the court will not retain jurisdiction over enforcement of the terms of this stipulated order after the action is terminated. Dated: August 25, 2020 UNITED STATES MAGISTRATE JUDGE /675.stipO